

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                           |   |          |
|---------------------------|---|----------|
| UNITED STATES OF AMERICA, | ) |          |
|                           | ) | 8:09CR20 |
| Plaintiff,                | ) |          |
|                           | ) |          |
| vs.                       | ) | ORDER    |
|                           | ) |          |
| TONY T. BURKHALTER,       | ) |          |
|                           | ) |          |
| Defendant.                | ) |          |

This matter is before the court on the motion to continue by defendant Tony T. Burkhalter (Burkhalter) (Filing No. 13). The motion does not comply with NECrimR 12.1 (a) and paragraph 9 of the Progression Order (Filing No. 9) in that the motion is not accompanied by the defendant's affidavit or declaration stating that defendant:

- (1) Has been advised by counsel of the reasons for seeking a continuance;
- (2) Understands that the time sought by the extension may be excluded from any calculation of time under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.; and
- (3) With this understanding and knowledge, agrees to the filing of the motion.

Accordingly, the motion (Filing No. 13) is:

- ( X ) Held in abeyance pending compliance with NECrimR 12.1(a) and Paragraph 9 of the Progression Order. Absent compliance **on or before February 24, 2009**, the motion will be deemed withdrawn and termed on the docket.
- ( ) Denied.

**IT IS SO ORDERED.**

DATED this 18th day of February, 2009.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge